

# Jaya credits CJ Yong for model judiciary

Law Minister also pays tribute to incoming CJ Chan Sek Keong

By ARTI MULCHAND

FROM a legal system that had a backlog of some 2,000 suits to process in 1990, Singapore's courts have become a model for other countries reforming and reviewing their own systems. Judges and court officials, even from England, have come here on study visits.

And that, said Law Minister S. Jayakumar yesterday, is testimony to the "lasting and outstanding contribution" of Chief Justice Yong Pung How.

CJ Yong, 80, retires next Monday after heading the Bench for more than 15 years.

"As a result of his leadership, we have today a judiciary that has a high standing internationally," said Professor Jayakumar.

He outlined some of the key changes CJ Yong made to the legal system, including streamlining court rules and boosting efficiency with the extensive use of technology.

CJ Yong created the Night Courts so people could attend court without having to take a day off; specialist courts to deal with industry specific areas, like shipping; and introduced the Singapore Law Reports, which record notable cases heard here as a reference for those in the judiciary.

And as president of the Legal Service Commission, he aggressively pursued efforts to attract talent into the legal service.

"Chief Justice Yong recognised that we cannot have a first-rate legal system without quality people on the High Court bench and in the legal service," said Prof Jayakumar.

CJ Yong started the Justices Law Clerk (JLC) programme in 1991, personally recruiting outstanding law graduates and mentoring them. They have since moved on to other departments and provided a steady flow of talent to the whole legal service,

said Prof Jayakumar.

On CJ Yong's contributions as chairman of the Presidential Council on Minority Rights, he said that, as a council member himself, he could "attest to the diligent and meticulous manner with which he scrutinised every Bill passed by the House in the meetings of the council".

Prof Jayakumar also paid tribute to Attorney-General Chan Sek Keong, who will take over as Chief Justice, for transforming the A-G's Chambers from a "relatively small office to one with an efficient team of lawyers who can handle a whole range of complex legal issues".

"Many of the lawyers... are acknowledged as experts in their own fields and some have been invited to assist as experts by Commonwealth and United Nations agencies," he said.

Mr Chan had made significant changes, including setting up the International Affairs Division, to advance Singapore's interests. He also set up the Law Reform and Revision Division to reform and modernise Singapore law.

Mr Chan and his team also "did Singapore proud" in presenting Singapore's legal arguments during the hearings in Hamburg before the International Tribunal on the Law of the Sea (Itlos) in 2003, in the case brought against Singapore by Malaysia over land reclamation.

Itlos had ruled that both sides have to cooperate in the management of the common marine environment.

Mr Chan is also overseeing preparations for the upcoming case with Malaysia over Pedra Branca before the International Court of Justice in The Hague, which is expected to be heard next year. He has agreed to continue with that role until the case is heard and decided, said Prof Jayakumar.

Concluding, Prof Jayakumar said: "As a result of their contributions, our legal system today is consistently ranked among the top in Asia and in the world, and has contributed to Singapore's strong reputation for trust, integrity and reliability."

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**BREAKNECK TRANSFORMATION**

"As a young lawyer during that period, I can attest to that fact...It was what we call our Formula One years because we went from zero to 100 in something like under three seconds. But the legal profession was transformed as a result."

MS INDRANEE RAJAH (Tanjong Pagar GRC), on the sea changes since Chief Justice Yong Pung How (left) was appointed



PHOTO: CHEW SENG KIM

**NEW JUDICIAL COMMISSIONER SWORN IN**

President S R Nathan officiates at the swearing-in ceremony of Mr Sundaresh Menon as the Judicial Commissioner

of the High Court. Mr Menon, 44, is seen as one of Asia's leading lawyers in the fields of commercial litigation, arbitration and construction law. Chief Justice Yong Pung How (centre) was also in attendance.

## Changes in legal service needed to draw in new talent

CHANGES are in order if Singapore's legal service is to remain robust and responsive, and continue to draw in talent, said Law Minister S. Jayakumar.

The present personnel management framework of the Legal Service Commission (LSC), inherited from the British, has stayed largely the same since independence, despite radical changes in the demands on legal services, he said.

Changes are needed to bring in people with a wider range of experience, and better personnel and talent management systems.

So a review panel will be set up to look at possible changes over the next few months. This was a unani-

mous decision based on consultations between the Government with the outgoing and incoming Chief Justices and the incoming Attorney-General, he added.

Among the changes needed: a more broad-based LSC, which holds the constitutional authority to appoint, promote and discipline all legal service officers.

Currently, the LSC comprises the Chief Justice, the Attorney-General, the chairman of the Public Service Commission (PSC), a Supreme Court judge nominated by the Chief Justice, and two PSC members nominated by the PSC chairman.

Independent members with a

wider range of experience are needed, said Professor Jayakumar, like people who understand personnel management or people who understand how things work in the private sector. That would put it more in line with how the Public Service Commission operates.

The system of personnel boards in LSC should be formalised, so they would be provided for under the Constitution and have their powers — to appoint, recruit, promote and discipline legal officers up to a certain grade — gazetted.

Now, their powers are informally delegated, said Prof Jayakumar. Talent that the legal services attracts has to be better managed.

"The legal service has to compete for its share of talent — compete with private practice of law, MNCs with in-house counsel, academic institutions, so we need people who are knowledgeable about human resource practices and personnel management," he said.

There was also a need to signal to those recruited from outside the Justices Law Clerk programme, which draws top law graduates, that they would have an "equal chance of being recognised and promoted" in the legal service.

And they should be free to move from government service to the private sector and vice versa.

While some officers would stay

in the legal service, others could move into private practice or academia, and perhaps eventually be considered for appointment as Solicitor-General, judicial commissioners, or judges.

He said: "For the top posts... we must recruit from both within and outside the legal service those who have had the widest exposure, and the necessary temperament and ability."

"We should not revert to the old colonial legal service system in which promotion to the Bench is only from within the service, as this would result in too narrow a range of experience at the top."

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